

ASSEMBLY BILL 326 (LRB -2455)

An Act to amend 69.30 (2); and to create 69.30 (1) (bd) and 69.30 (1) (bh) of the statutes; relating to: allowing funeral directors and operators of funeral establishments to copy vital records.

2003

05-13.	A.	Introduced by Representatives M. Lehman, Olsen, J. Lehman, Vrakas, Staskunas, Freese, Rhoades, Pettis, Nass, Hines, Ladwig, Hahn, F. Lasee, Hundertmark, Van Roy, Friske, Bies, Weber, Gunderson, Montgomery, Musser, McCormick, LeMahieu, Krawczyk and Jensen ; cosponsored by Senators Kanavas, Lazich, Roessler, Wirsch, Leibham, M. Meyer, Breske and Schultz.	
05-13.	A.	Read first time and referred to committee on Small Business	203
07-15.	A.	Public hearing held.	
09-30.	A.	Fiscal estimate received.	
10-07.	A.	Executive action taken.	
10-07.	A.	Assembly substitute amendment 1 offered by committee on Small Business (LRB s0151)	423
10-15.	A.	Report Assembly Substitute Amendment 1 adoption recommended by committee on Small Business, Ayes 8, Noes 2	431
10-15.	A.	Report passage as amended recommended by committee on Small Business, Ayes 6, Noes 4	431
10-15.	A.	Referred to committee on Rules	431
10-16.	A.	Placed on calendar 10-21-2003 by committee on Rules.	
10-21.	A.	Rules suspended to withdraw from calendar and lay on table	440

2004

01-09.	A.	Assembly substitute amendment 2 offered by Representative M. Lehman (LRB s0276)	598
01-20.	A.	Taken from the table	616
01-20.	A.	Placed on the calendar	616
01-20.	A.	Read a second time	623
01-20.	A.	Assembly substitute amendment 2 adopted	623
01-20.	A.	Ordered to a third reading	623
01-20.	A.	Rules suspended	623
01-20.	A.	Read a third time and passed	623
01-20.	A.	Ordered immediately messaged	623
01-21.	S.	Received from Assembly	563
01-21.	S.	Read first time and referred to committee on Labor, Small Business Development and Consumer Affairs ...	564
02-24.	S.	Public hearing held.	
03-01.	S.	Executive action taken.	
03-01.	S.	Report introduction and adoption of Senate Amendment 1 recommended by committee on Labor, Small Business Development and Consumer Affairs, Ayes 5, Noes 0 (LRB a2306)	646
03-01.	S.	Report concurrence as amended recommended by committee on Labor, Small Business Development and Consumer Affairs, Ayes 5, Noes 0	646
03-01.	S.	Available for scheduling.	
03-09.	S.	Placed on calendar 3-10-2004 by committee on Senate Organization.	
03-11.	S.	Placed on calendar 3-11-2004 by committee on Senate Organization.	
03-11.	S.	Read a second time.	
03-11.	S.	Senate amendment 1 adopted .	
03-11.	S.	Ordered to a third reading.	
03-11.	S.	Rules suspended.	
03-11.	S.	Read a third time and concurred in as amended.	
03-11.	S.	Ordered immediately messaged.	
03-16.	A.	Received from Senate amended and concurred in as amended (Senate amendment 1 adopted)	896
03-16.	A.	Senate amendment 1 concurred in	897
03-16.	A.	Action ordered immediately messaged	897

2003
ENROLLED BILL

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ADOPTED DOCUMENTS:

☐ Orig ☐ Engr

A SubAmdt 2

03 0296 3

Amendments to above (if none, write "NONE"):

SAH

Corrections - show date (if none, write "NONE"):

None

Topic

relater

Date

3/17/04

Enrolling Drafter

[Signature]

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**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2003 ASSEMBLY BILL 326**

January 9, 2004 - Offered by Representative M. LEHMAN.

1 **AN ACT** *to renumber and amend* 445.125 (1) (b); and *to create* 69.02 (1) (c),
2 445.125 (1) (b) 4. a. and b. and 632.415 (4m) of the statutes; **relating to:** burial
3 agreements funded with trust funds or life insurance proceeds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 69.02 (1) (c) of the statutes is created to read:

5 69.02 (1) (c) Prescribe the form of an affidavit of death for releasing burial
6 agreement trust funds to a beneficiary under s. 445.125 (1) (b) 4. b. or establishing
7 proof of death for payment of benefits of a life insurance policy sold under s. 632.415
8 (2).

9 **SECTION 2.** 445.125 (1) (b) of the statutes is renumbered 445.125 (1) (b) 1. and
10 amended to read:

11 445.125 (1) (b) 1. All trust funds under par. (a) shall be deposited with a bank
12 or trust company within the state whose deposits are insured by the federal deposit

1 insurance corporation, deposited in a savings and loan association or savings bank
2 within the state whose deposits are insured by the federal deposit insurance
3 corporation, or invested in a credit union within the state whose savings are insured
4 by the national board, as defined in s. 186.01 (3m), or by the Wisconsin credit union
5 savings insurance corporation and shall be held in a separate account in the name
6 of the depositor, in trust for the beneficiary until the trust fund is released under
7 either of the conditions provided in par. (a) 1.

8 2. In the event of the death of the depositor before the death of the potential
9 decedent, title to such funds under par. (a) shall vest in the potential decedent, and
10 the funds shall be used for the personal property and services to be furnished under
11 the contract for the funeral of the potential decedent.

12 3. The depositor shall be furnished with a copy of the receipts, certificates or
13 other appropriate documentary evidence showing that the funds under par. (a) have
14 been deposited or invested in accordance with this subsection. The depositor or the
15 beneficiary shall furnish the bank, trust company, savings bank, savings and loan
16 association or credit union with a copy of the contract. ~~Upon receipt of a certified copy~~
17 ~~of the certificate of death of the potential decedent, together with the written~~
18 ~~statement of the beneficiary that the agreement was complied with, the~~

19 4. The bank, trust company, savings bank, savings and loan association, or
20 credit union shall release such the trust funds under par. (a) to the beneficiary: upon
21 receipt of both a written statement of the beneficiary that the agreement was
22 complied with and one of the following:

23 **SECTION 3.** 445.125 (1) (b) 4. a. and b. of the statutes are created to read:

24 445.125 (1) (b) 4. a. A certified copy of the certificate of death of the potential
25 decedent.

b. An affidavit made by the beneficiary of the potential decedent's death, in the form prescribed under s. 69.02 (1) (c), if the bank, trust company, savings bank, savings and loan association, or credit union consents to receipt of the affidavit.

SECTION 4. 632.415 (4m) of the statutes is created to read:

~~632.415 (4m) Proof of death for an insurance policy sold under sub. (2) may be established with an affidavit in the form prescribed under s. 69.02 (1) (c) if the insurer consents to receipt of the affidavit.~~

(END)

3-3

**SENATE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 326**

March 1, 2004 – Offered by COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT
AND CONSUMER AFFAIRS.

At the locations indicated, amend the bill, as shown by assembly substitute amendment 2, as follows:

1. Page 3, line 3: after the period insert "The affidavit shall be accompanied by an invoice for the cost of the services and personal property for which release of the funds is sought. If the bank, trust company, savings bank, savings and loan association, or credit union consents to receipt of the affidavit and to release of the funds, it is immune from civil liability for the amount of the funds so released."

(END)